1951 K File No. B. Requisitioned Land (C.P) S1

Legal Deptt.

B. BRANCH

Subject:— L.A. Bill No. XI of 1951

A Bill to provide for the continuance of Certain emergency Powers in relation of Requisitioned Land.

Bom Act. No I of 1951

P.14 E

File No. B. Requisitioned Land / S1 (C.P.)

Gen. 194 e.

744-B

Legal Department.

A requisite draft Bill is put up for approval.

The Subject-matter of the Bill falls under entry 36 in List II and entry 42 in List III in the Seventh Schedule to the Constitution. The Bill requires the Governor's recommendation under Article 207(3). It does not require any sanction. After it is passed the Bill will have to be reserved for the consideration of the President wit reference to Article 254(2). It will have to be passed into an act before 31st March 1951.

Sd./-
Additional Secretary to Government.

U.R. to R.D., No. 158-Confl4, dated the 10th February, 1951.

SVV
22.6.56.
4 c.

Immediate.

No. 3999.
Legal Department,
Bombay Castle, (Bombay No.1),
10th March, 1951.

From

Shri J.R. Dhurandhar,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- The Requisitioned Land (Continuance of Powers) (Bombay Amendment) Bill, 1951.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for being presented to His Excellency the Governor the authentic copy of the Requisitioned Land (Continuance of Powers)(Bombay Amendment) Bill, 1951, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 27th February 1951 and the 5th March 1951, respectively.

2. The subject-matter of the Bill falls under entry 36 in List II and entry 42 in List III in the Seventh Schedule to the Constitution of India. As the provisions of the Bill attract the operation of clause (2) of article 31 of the Constitution, it is necessary to reserve the Bill for the consideration of the President with reference to article 31(3) of the Constitution.

3. I also forward herewith six copies of each of the items

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	Nos. 1 and 2 and two copies of item Nos. 3 of the papers
2. Bill as read for the third time and passed by the Bombay Legislative Council.	
3. Extracts from the proceedings of the Bombay Legislative Assembly dated the 27th February 1951 and of the Bombay Legislative Council dated the 5th March 1951.	

noted in the margin. The Bill was not referred to a Select Committee.

4. I am to state that the Land Requisition (Continuance of Powers).....

of Powers) Act, 1947, would cease to be in force on the 1st April 1951 and the present Bill is intended to extend the life of this enactment in so far as it relates to immoveable property held under requisition for purposes of the State Government. It is, therefore, necessary that this Bill should, after receiving the assent of the President, be published in the Bombay Government Gazette as an Act on or before the 31st March, 1951 and to convey that assent by telegram as the new Act must come into force on that date and also to communicate the date on which the assent is given.

It is requested that the President may be moved to give his assent to the Bill before the 31st March 1951.

Yours faithfully,

Sd./-
10/3
Secretary to Government.

Through:
The Secretary to the Government of Bombay,
Revenue Department.

SVV
22.6.56.
4 c.

NO. G.S. - 705.

From

Shri L.M.Nadkarni, I.C.S.,
Secretary to the Governor of Bombay.

To

The Secretary to the Bombay Legislature Department,
Council Hall, Bombay.

Government House
Bombay, 6. March 14, 1951.

Subject:- The Requisitioned Land (Continuance of Powers) (Bombay Amendment) Bill, 1951.

.....

Sir,

With reference to the Requisitoned Land (Continuance of Powers)(Bombay Amendment) Bill, 1951, which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on February 27 and March 5, 1951, respectively, I am directed to state, for the information of the Honourable the Speaker and the Honourable the Chairman, that as the provisions of the Bill attract the operation of clause (2) of Article 31 of the Constitution of India, it is necessary to reserve the Bill for the consideration of the President with reference to Article 31(3) of the Constitution. His Excellency the Governor has accordingly been pleased, under Article 200 of the Constitution, to declare that he reserves the Bill for the consideration of the President.

Yours faithfully,

Sd./- L.M.Nadkarni.
Secretary to the Governor of Bombay.

...

No. G.S.-706.

Office of the Secretary to the Governor,
Government House,
Bombay (6), March 14, 1951.

Copy forwarded with compliments for information to:-

The Secretary to the Government of Bombay, Legal Department, with reference to his letter No. 3999, dated the March 10, 1951;

The Secretary to the Government of Bombay, Revenue Department, with reference to his endorsement No. 2198-A/45-V, dated the March 12, 1951.

Sd./-
Secretary to the Governor of Bombay.

SVV
22.6.56.
4 c.

No. G.S. - 832.

From
THE SECRETARY TO THE GOVERNOR OF BOMBAY.

To
The Secretary to Government,
Legal Department.

Government House,
Bombay (6), March, 28, 1951.

Subject:- The Requisitioned Land (Continuance of Powers) (Bombay Amendment) Bill, 1951.

Sir,

In continuation of myletter No. G.S. - 799, dated March 26, 1951, I am directed to forward herewith the authentic copy of the Requisitioned Land (Continuance of Powers) (Bombay Amendment) Bill, 1951, with the President's assent signified thereon.

Youre faithfully,

Sd./-
for Secretaty to the Governor of Bombay.

SVV
22.6.56.
4 c.

ACTS.

Publication of the Requisitioned Land (Continuance of Powers) (Bombay Amendment) Act, 1951.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 4850
Bombay Castle, 27th March, 1951.

Letter to the Secretary to the Governor, No. 3999, dated the 10th March 1951.

Letter from the Secretary to the Governor, No. C.S. 799, dated the 26th March 1951.

RESOLUTION :- The law should be published as Bombay Act No. I of 1951, in the Bombay Government Gazette dated the 27th March 1951.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department with reference to the Memorandum from that Department No. 2198-A/45-V, dated the 20th/21st February 1951.

By order of the Governor of Bombay,

Sd./- S. L. Chaudhari,
Assistant Secretary to Government.

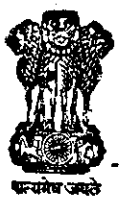
To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department, and 20 copies to the Revenue Department).

SVV
22.6.56.
4 c.

D.H.S. 3/7.

REGISTERED No. B-1



The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

THURSDAY, 22ND FEBRUARY 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XI OF 1951.

A Bill to provide for the continuance of certain emergency powers in relation to requisitioned land in the State of Bombay.

WHEREAS it is expedient to provide for the continuance of the Requisitioned Land (Continuance of Powers) Act, 1947, for a further period till the 1st day of April 1953 in so far as the said Act relates to matters with respect to which the State Legislature has power to make laws; It is hereby enacted as follows :—

XVII of 1947.

1. (*1*) This Act may be called the Requisitioned Land (Continuance of Powers) (Bombay Amendment) Act, 1951. Short title and extent.

(*2*) It extends to the whole of the State of Bombay.

2. Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947, hereinafter called the said Act, the provisions of the said Act, in so far as they relate to matters with respect to which the State Legislature has power to make laws, shall, subject to the modifications specified in section 3, continue to remain in force after 31st March 1951 and shall cease to have effect on the 1st day of April 1953 except as respects things already done or omitted to be done before the expiration thereof, and section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of the said Act as if it had then been repealed by a Bombay Act. Continuance of Act XVII of 1947 subject to certain modifications.

XVII of 1947.

Bom. I of 1904.

3. (*1*) References in the said Act to requisitioned land shall be construed as references to such land which after the commencement of the Constitution could have been requisitioned by the State Government and references to appropriate Government shall in relation to such requisitioned land be construed as references to the State Government. Modifications in Act XVII of 1947.

(*2*) In sub-section (*3*) of section 6 of the said Act, after the words "in force" the following words shall be inserted, namely :—

"subject to the modification that for the words 'Central Government', wherever they occur, the words 'State Government' shall be substituted."

STATEMENT OF OBJECTS AND REASONS.

The extended life of the Requisitioned Land (Continuance of Powers) Act, 1947, will expire on the 1st April 1951. In view of entry 33 of the Union List and entry 36 of the State List in the Seventh Schedule of the Constitution of India, the life of the Requisitioned Land (Continuance of Powers) Act, 1947, can be extended by Parliament beyond the 31st March 1951, only in respect of immoveable property requisitioned for purposes of the Union and the State Governments will have to take separate legislative measure for extending the life of the said Act in respect of all immoveable property held under requisition for purposes of the State Government for such period as the State Government may consider necessary.

2. The present measure, which will remain in force till 1st April 1953, is designed to achieve that object.

Dated the 19th February 1951. (Signed) MORARJI DESAI.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 22nd February 1951.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XI OF 1951.

A Bill to provide for the continuance of certain emergency powers in relation to requisitioned land in the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 27th February 1951.)

WHEREAS it is expedient to provide for the continuance of the Requisitioned Land (Continuance of Powers) Act, 1947, for a further period till the 1st day of April 1953 in so far as the said Act relates to matters with respect to which the State Legislature has power to make laws; It is hereby enacted as follows :—

XVII of 1947.

1. (*1*) This Act may be called the Requisitioned Land (Continuance of Powers) (Bombay Amendment) Act, 1951. Short title and extent.

(*2*) It extends to the whole of the State of Bombay.

2. Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947, hereinafter called the said Act, the provisions of the said Act, in so far as they relate to matters with respect to which the State Legislature has power to make laws, shall, subject to the modifications specified in section 3, continue to remain in force after 31st March 1951 and shall cease to have effect on the 1st day of April 1953 except as respects things already done or omitted to be done before the expiration thereof, and section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of the said Act as if it had then been repealed by a Bombay Act. Continuance of Act XVII of 1947 subject to certain modifications.

XVII of 1947.

Bom. I of 1904.

3. (*1*) References in the said Act to requisitioned land shall be construed as references to such land which after the commencement of the Constitution could have been requisitioned by the State Government and references to appropriate Government shall in relation to such requisitioned land be construed as references to the State Government. Modifications in Act XVII of 1947.

(*2*) In sub-section (*3*) of section 6 of the said Act, after the words " in force " the following words shall be inserted, namely :—

" subject to the modification that for the words ' Central Government ', wherever they occur, the words ' State Government ' shall be substituted."

K Bk Hb 533—1

(69

STATEMENT OF OBJECTS AND REASONS

The extended life of the Requisitioned Land (Continuance of Powers) Act, 1947, will expire on the 1st April 1951. In view of entry 33 of the Union List and entry 36 of the State List in the Seventh Schedule of the Constitution of India, the life of the Requisitioned Land (Continuance of Powers) Act, 1947, can be extended by Parliament beyond the 31st March 1951, only in respect of immoveable property requisitioned for purposes of the Union and the State Governments will have to take separate legislative measure for extending the life of the said Act in respect of all immoveable property held under requisition for purposes of the State Government for such period as the State Government may consider necessary.

2. The present measure, which will remain in force till 1st April 1953, is designed to achieve that object.

Dated the 19th February 1951. MORARJI DESAI.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XI OF 1951.]

(As read for the third time and passed by the Legislative Assembly on the 27th February 1951.)

A Bill to provide for the continuance of certain emergency powers in relation to requisitioned land in the State of Bombay.

[Shri MORARJI DESAI, M.L.A.

K Bk Hb 583--2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XI OF 1951.

A Bill to provide for the continuance of certain emergency powers in relation to requisitioned land in the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 27th February 1951.)

(As read for the third time and passed by the Legislative Council on the 5th March 1951.)

XVII of 1947.

WHEREAS it is expedient to provide for the continuance of the Requisitioned Land (Continuance of Powers) Act, 1947, for a further period till the 1st day of April 1953 in so far as the said Act relates to matters with respect to which the State Legislature has power to make laws; It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Requisitioned Land (Continuance of Powers) (Bombay Amendment) Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

Continuance of Act XVII of 1947 subject to certain modifications.

XVII of 1947.

2. Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947, hereinafter called the said Act, the provisions of the said Act, in so far as they relate to matters with respect to which the State Legislature has power to make laws, shall, subject to the modifications specified in section 3, continue to remain in force after 31st March 1951 and shall cease to have effect on the 1st day of April 1953 except as respects things already done or omitted to be done before the expiration thereof, and section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of the said Act as if it had then been repealed by a Bombay Act.

Bom. I of 1904.

Modifications in Act XVII of 1947.

3. (*1*) References in the said Act to requisitioned land shall be construed as references to such land which after the commencement of the Constitution could have been requisitioned by the State Government and references to appropriate Government shall in relation to such requisitioned land be construed as references to the State Government.

(*2*) In sub-section (*3*) of section 6 of the said Act, after the words " in force " the following words shall be inserted, namely :—

" subject to the modification that for the words ' Central Government ', wherever they occur, the words ' State Government ' shall be substituted,"

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XI OF 1951.]

(As read for the third time and passed by the Legislative Assembly on the 27th

(As read for the third time and passed by the Legislative Council on the 5th March 1951.)

A Bill to provide for the continuance of certain emergency powers in relation to requisitioned land in the State of Bombay.

[Shri Morarji Desai, M.L.A.]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS

Registered No. B-1

The
Bombay Government Gazette
PUBLISHED BY AUTHORITY

TUESDAY, 27TH MARCH 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

	PAGES
BOMBAY ACT No. I OF 1951—An Act to provide for the continuance of certain emergency powers in relation to requisitioned land in the State of Bombay	14-15

The following Act of the Bombay Legislature having been assented to by the President on the 23rd March 1951 is hereby published for general information.

J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. I OF 1951.

(First published, after having received the assent of the President, in the "Bombay Government Gazette" on the 27th March 1951.)

An Act to provide for the continuance of certain emergency powers in relation to requisitioned land in the State of Bombay.

XVII WHEREAS it is expedient to provide for the continuance of the Requisitioned Land (Continuance of Powers) Act, 1947, for a further period till the 1st day of April 1953 in so far as the said Act relates to matters with respect to which the State Legislature has power to make laws; It is hereby enacted as follows :—

1. (1) This Act may be called the Requisitioned Land (Continuance of Powers) (Bombay Amendment) Act, 1951. Short title and extent.

(2) It extends to the whole of the State of Bombay.

Continuance of Act XVII of 1947 subject to certain modifications.

2. Notwithstanding anything contained in the Requisitioned Land (Continuance of Powers) Act, 1947, hereinafter called the said Act, the provisions of the said Act, in so far as they relate to matters with respect to which the State Legislature has power to make laws, shall, subject to the modifications specified in section 3, continue to remain in force after 31st March 1951 and shall cease to have effect on the 1st day of April 1953 except as respects things already done or omitted to be done before the expiration thereof, and section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of the said Act as if it had then been repealed by a Bombay Act. XVII of 1947. Bom. of 1904

Modifications in Act XVII of 1947.

3. (*1*) References in the said Act to requisitioned land shall be construed as references to such land which after the commencement of the Constitution could have been requisitioned by the State Government and references to appropriate Government shall in relation to such requisitioned land be construed as references to the State Government.

(*2*) In sub-section (*3*) of section 6 of the said Act, after the words "in force" the following words shall be inserted, namely :—

"subject to the modification that for the words 'Central Government', wherever they occur, the words 'State Government' shall be substituted."

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.